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~~Separate paging is given to this Part in order that it may be filed as a separate compilation~~

PART V.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 8th March, 1922 :—

No. 14 OF 1922.

A Bill to assimilate the law in British India relating to official secrets to the law in force in the United Kingdom.

WHEREAS the law in British India relating to official secrets is at present contained in two Acts of the Governor General in Council, namely, the Indian Official Secrets Act, 1889, and the Indian Official Secrets (Amendment) Act, 1904, and one Statute of Parliament, namely, the Official Secrets Act, 1911; and

WHEREAS the Official Secrets Act, 1911, has been amended by the Official Secrets Act, 1920, which Statute applies to the United Kingdom and to certain British possessions, but not to British India; and

WHEREAS it is expedient that the law relating to official secrets in British India should be assimilated to the law of the United Kingdom as contained in both the said Statutes; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Official Secrets Act, 1920.

(2) It extends to the whole of British India, and applies also—

(a) to all subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty; and

(b) to all Indian subjects of His Majesty without and beyond British India.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (1) any reference to a place belonging to His Majesty includes a place occupied by any department of the Government, whether the place is or is not actually vested in His Majesty;
- (2) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note & document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document;

XV of 1889.
V. c. 28.
1 & 2 Geo. V. c. 28.
10 & 11 Geo. V. c. 28.
75.

WHEREAS the Official Secrets Act, 1911, has been amended by the Official Secrets Act, 1920, which Statute applies to the United Kingdom and to certain British possessions, but not to British India; and

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(2) It extends to the whole of British India, and applies also—

(a) to all subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty; and

(3) "document" includes part of a document ;
 (4) "model" includes design, pattern and specimen ;

(5) "munitions of war" includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine intended or adapted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use ;

(6) "prohibited place" means—

(a) any work of defence, arsenal, naval or air force establishment or station, factory, dockyard, mine, minefield, camp, ship, or aircraft belonging to, or occupied by or on behalf of, His Majesty, or any telegraph, telephone, wireless or signal station or office so belonging or occupied, and any place belonging to or occupied by or on behalf of His Majesty and used for the purpose of building, repairing, making, or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil, or minerals of use in time of war ;

(b) any place not belonging to His Majesty where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of, His Majesty, or otherwise on behalf of His Majesty ;

(c) any place belonging to or used for the purpose of His Majesty which is for the time being declared by the Governor General in Council, by notification in the Gazette of India, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an enemy ;

(d) any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war or any sketches, models, plans, or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of His Majesty, which is for the time being declared by the Governor General in Council, by notification in the Gazette of India, to be a prohibited place for the purposes of this Act on the ground that information with respect

thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy ;

(7) "sketch" includes any photograph or other mode of representing any place of Section 18 or thing ;

(8) "office under His Majesty" includes any office or employment in or under any department of the Government or of the Government of any British possession ; and

(9) "Superintendent of Police" includes any police officer of a like or superior rank, and any person upon whom the powers of a Superintendent of Police are for the purposes of this Act conferred by the Governor General in Council or by any Local Government.

3. (1) If any person for any purpose pre-Section 1 Penalties for spying. judicial to the safety or of 1 & 2 interests of the State—Geo. V, c. 28.

(a) approaches, inspects, passes over or is in the neighbourhood of, or enters, any prohibited place ; or

(b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy ; or

(c) obtains, collects, records or publishes or communicates to any other person any secret official code word or pass word, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy ;

he shall be punishable with imprisonment for a term which shall not be less than three years and may extend to fourteen years.

(2) On a prosecution for an offence under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State ; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place, or anything in such a place, or any secret official code word or pass word is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved.

4. (1) In any proceedings against a person for Section 2 of Communications with an offence under section 3, 10 & 11 foreign agents to be the fact that he has been Geo. V, c. 75. evidence of commission of in communication with, certain offences or attempted to communicate with, a foreign agent, whether within or without British India, shall be evidence that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted

Section 9 (2)
of 10 & 11
Geo. V, c. 75.

Section 3 of 1
& 2 Geo. V,
c. 28.

Section 10 of 10 & 11
Geo. V, c. 75.

Section 3 of 1
& 2 Geo.
V, c. 28.

to obtain information which is calculated to be or might be, or is intended to be, directly or indirectly, useful to an enemy.

(2) For the purpose of this section, but without prejudice to the generality of the foregoing provision,—

(a) a person shall, unless he proves the contrary, be deemed to have been in communication with a foreign agent if—

(i) he has, either within or without British India, visited the address of a foreign agent or consorted or associated with a foreign agent, or

(ii) either within or without British India, the name or address of, or any other information regarding, a foreign agent has been found in his possession, or has been obtained by him from any other person;

(b) the expression "foreign agent" includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power, either directly or indirectly, for the purpose of committing an act, either within or without British India, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without British India, committed, or attempted to commit, such an act in the interests of a foreign power;

(c) any address, whether within or without British India, reasonably suspected of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, shall be deemed to be the address of a foreign agent, and communications addressed to such an address to be communications with a foreign agent.

5. (1) If any person having in his possession or control any secret official code word or pass word or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under His Majesty, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under His Majesty, or as a person who holds or has held a contract made on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract—

(a) communicates the code word or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorised to communicate it, or

a person to whom it is, in the interests of the State, his duty to communicate it; or

(b) uses the information in his possession Section (1) of 10 for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or 11 Geo. V. c. 75.

(c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code word or pass word or information;

he shall be guilty of an offence under this section.

(2) If any person receives any secret official code word or pass word or any sketch, plan, model, article, note, document or information knowing or having reasonable ground to believe, at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he shall be guilty of an offence under this section, unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document or information was contrary to his desire.

(3) If any person having in his possession or control any sketch, plan, model, article, note, document or information, which relates to munitions of war, communicates it, directly or indirectly, to any foreign power or in any other manner prejudicial to the safety or interests of the State, he shall be guilty of an offence under this section.

(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

6. (1) If any person for the purpose of gain- Section 1
ing admission or of assist- 10 & 11
Unauthorised use of Geo. V.,
uniforms; falsification of 6. 75.
reports, forgery, persona- bited place or for any
tion, and false documents. other purpose prejudicial
to the safety or interests of the State—

(a) uses or wears, without lawful authority, any naval, military, air force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or

(b) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or

(c) forges, alters, or tampers with any passport or any naval, military, air force, police, or official pass, permit, certificate, licence, or other document of

a similar character (hereinafter in this section referred to as an official document), or uses or has in his possession any such forged, altered, or irregular official document; or

(d) personates, or falsely represents himself to be, a person holding, or in the employment of a person holding, office under His Majesty, or to be or not to be a person to whom an official document or secret official code word or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code word or pass word, whether for himself or any other person, knowingly makes any false statement; or

(e) uses, or has in his possession or under his control, without the authority of the department of the Government or the authority concerned, any die, seal or stamp of or belonging to, or used, made or provided by, any department of the Government, or by any diplomatic naval, military, or air force authority appointed by or acting under the authority of His Majesty, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses, or has in his possession or under his control, any such counterfeited die, seal or stamp;

he shall be guilty of an offence under this section.

(g) If any person—

(a) retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any department of the Government or any person authorised by such department with regard to the return or disposal thereof; or

(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or, on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police officer; or

(c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such die, seal or stamp as aforesaid;

he shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(4) In the case of any prosecution for an offence under this section involving the proof of a purpose prejudicial to the safety or interests of the State, the provisions of sub-section (2) of section 3 shall apply in like manner as they apply to prosecutions for offences under that section.

7. (1) No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, any police officer, or any member of His Majesty's forces engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place.

(2) If any person acts in contravention of, or fails to comply with, the provisions of this section, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

8. (1) It shall be the duty of every person to give on demand to a Superintendent of Police, or other police officer not below the rank of Inspector, empowered by an Inspector-General or Commissioner of Police in this behalf, or to any member of His Majesty's forces engaged on guard, sentry, patrol or other similar duty, any information in his power relating to an offence or suspected offence under this Act, and, if so required, and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information.

(2) If any person fails to give any such information or to attend as aforesaid, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

9. Any person who attempts to commit or attempts, incitements, abets the commission of an offence under this Act shall be punishable with the same punishment, and be liable to be proceeded against in the same manner, as if he had committed such offence.

10. If any person knowingly harbours any person whom he knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under this Act, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, or if any person having harboured any such person, or permitted to meet or assemble in any premises in his occupation or under his control any such persons, wilfully omits or refuses to disclose to a Superintendent of Police any information which it is in his power to give in relation to any such person, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

ation 9
1 & 2
Geo. V, c. 28.

11. (1) If a Magistrate of the first class is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search-warrant authorising any police officer named therein to enter at any time any premises or place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note or document, or anything of a like nature, or anything which is evidence of an offence under this Act having been or being about to be committed which he may find on the premises or place or any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

(2) Where it appears to a police officer, not being below the rank of Superintendent, that the case is one of great emergency, and that in the interests of the State immediate action is necessary, he may by a written order under his hand give to any police officer the like authority as may be given by the warrant of a Magistrate under this section.

ation 6
1 & 2
Geo. V, c. 28.

12. Any person who is found committing an offence under this Act, or who is reasonably suspected of having committed, or having attempted to commit, or being about to commit, such an offence, may be apprehended and detained in the same manner as a person who is found committing a non-bailable and cognizable offence.

ation 10
1 & 2
Geo. V, c. 28.

13. (1) No Court (other than that of a Magistrate of the first class specially empowered in this behalf by the Local Government) which is inferior to that of a District or Presidency Magistrate shall try any offence under this Act.

ation 8
1 & 2
Geo. V, c. 28.

(2) No Court shall take cognizance of any offence under this Act unless upon complaint made by order of, or under authority from, the

Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that such complaint has not been made, but no further or other proceedings shall be taken until such complaint has been made.

(3) For the purposes of the trial of a person for Section 8 (3) an offence under this Act, the offence may be of 10 & 11 Geo. V, c. 75 deemed to have been committed either at the place in which the same actually was committed or at any place in British India in which the offender may be found.

14. (1) In addition and without prejudice to Section 4, Exclusion of public any powers which a Court of 10 & 11 Geo. V, c. 75 from proceedings. exclusion of the public from any proceedings if, in the course of proceedings before a Court against any person for an offence under this Act or the proceedings on appeal, or in the course of the trial of a person under this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the national safety, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an order to that effect, but the passing of sentence shall in any case take place in public.

15. Where the person guilty of an offence under this Act is a company or corporation, every director and officer of the company or corporation shall be guilty of the like offence, unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

6. The Indian Official Secrets Act, 1889, and XV of 1889. the Indian Official Secrets Repeals. (Amendment) Act, 1904, V of 1904.
are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The position in regard to the protection of official secrets in India is briefly as follows. The provisions of the law which are now in force are :—

(a) An Act of the Legislature in India—the Indian Official Secrets Act, 1889, as amended by the Indian Official Secrets (Amendment) Act, 1904; and

(b) A Statute of Parliament,—the Official Secrets Act, 1911 (1 & 2 George V, C. 28).

The provisions of the British Statute have, as a result of experience gained during the War, been considerably modified by the enactment of the Official Secrets Act, 1920, but the latter Statute does not apply to British India.

2. It has for some time past been recognised that it is unsatisfactory to have two separate laws in force simultaneously in India. Further, although the British Act of 1911 is in force in India, difficulties arise in applying it because of the use in it of English common law terms and so on. For these reasons it is desirable that there should be a single consolidated Act applicable to Indian conditions, and the desirability of this has been emphasised by the passing of the British Act of 1920 which has considerably amended the Act of 1911, but is not applicable to India.

3. The provisions of the British Act of 1911 are more effective, particularly in the matter of the protection of military secrets than the Indian enactments, and they have been further strengthened by the enactment of the amending Statute of 1920, which is based on experience gained during the War. It is considered desirable, therefore, that the law in India should be assimilated to that in force in the United Kingdom, and the object of this Bill is to consolidate the provisions of the British Acts of 1911 and 1920 and to enact them in a form suitable for India.

4. As this Bill is a purely consolidating measure, it is not necessary to deal with the clauses in detail, but it may be mentioned that it is proposed to omit provisions on the lines of sections 4 and 5 of the Act of 1920, as it is considered that the matters dealt with in these sections are sufficiently covered by the provisions of the Indian Telegraph Act, 1885, and the Indian Post Office Act, 1898.

5. If this Bill is passed it will not be necessary to retain the Indian Acts, and provision is therefore made in clause 15 for their repeal.

DELHI ; }
The 27th February, 1922. }

W. H. VINCENT.

H. MONCRIEFF SMITH,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 8th March, 1922 :—

No. 15 OF 1922.

A Bill to provide for the restriction and control of the transport of cotton in certain circumstances.

WHEREAS it is expedient for the purpose of preventing the mixing of inferior with superior varieties of cotton to provide for the restriction and control of the transport by rail and the import of cotton into certain areas ; It is hereby enacted as follows :—

1. (1) This Act may be called the Cotton Short title and ex- Transport Act, 1922 . tent.

(2) It extends to the whole of British India.

2. In this Act, unless there is anything repugnant in the subject or Definitions. context,—

(a) "certified copy", in relation to a licence, means a copy of the licence certified in the manner described in section 76 of the Indian Evidence Act, 1872, by the authority by which the licence was granted ;

(b) "cotton" means all unmanufactured cotton, including cotton either ginned or unginned, cotton waste and cotton seed ;

(c) "cotton waste" means droppings, stripings, fly and other waste products of a cotton-mill other than yarn waste ;

(d) "licence" means a licence granted under this Act ;

(e) "notified station" means a railway station specified in a notification under section 3 ;

(f) "prescribed" means prescribed by rules made under this Act ; and

(g) "protected area" means an area into which the import of cotton has been prohibited by a notification under section 3.

3. (1) The Local Government may, for the purpose of protecting the

Power to issue notification prohibiting the import of cotton into any area in the Province from being mixed with cotton of an inferior variety, by notification in the local official Gazette prohibit the import of cotton into that area save under, and in accordance with the conditions of, a licence.

(2) Any such notification may prohibit the delivery to, and the taking of delivery by, any person, at any specified railway station situated in the protected area, of cotton consigned from a railway station not situated in that area, unless such person holds a licence for the import of the cotton into that area.

4. (1) Notwithstanding anything contained in the Indian Railways Act, Refusal to carry un- 1890, or any other law for IX of 1890. licensed cotton. the time being in force, the station master of any railway station or any other railway servant responsible for the booking of goods or parcels at that station may refuse to receive for carriage at, or to forward or allow to be carried on the railway from, that station any cotton consigned to a notified station, unless both stations are in the same protected area, or unless the consignor produces a certified copy of a licence for the import of the cotton into the protected area in which such notified station is situated.

(2) Every certified copy of a licence when so produced shall be attached to the invoice when the consignment is booked as goods and to the way-bill when the consignment is booked as a parcel, and shall accompany the consignment to its destination, and shall there be dealt with in the prescribed manner.

(3) Where by or under any law in force in the territories of any State in India the import of cotton into any area, or the delivery of cotton at any railway station, situated in such State has been prohibited, the Governor General in Council may, by notification in the Gazette of India, declare that the provisions of sub-section (1) shall apply in respect of all cotton consigned to any such station as if such area and such station were respectively a protected area and a notified station, and as if any licence granted under such law were a licence granted under this Act.

5. (1) Where any cotton having been con- Procedure where signed to a notified station cotton arrives at noti- arrives at that station, the fied station. station master or other rail- way servant responsible for the receipt and delivery to the consignee of goods or parcels, as the case may be, at that station shall, unless

both the notified station and the railway station from which the cotton has been consigned are situated in the same protected area, refuse to deliver the cotton until he is satisfied that the consignee holds a licence for the import of the cotton into the protected area in which such notified station is situated ; and, if he is not so satisfied, or if, within a reasonable time, the consignee or some person acting on his behalf does not appear in order to take delivery, shall return the cotton to the railway station from which it was consigned, together with an intimation that delivery of the cotton has been refused or has not been taken, as the case may be.

(2) Any station master or other railway servant receiving any cotton returned under sub-section (1), or returned with a like intimation from a railway station specified in a notification under sub-section (3) of section 4, shall cause to be served on the consignor in any manner authorised by section 141 of the Indian Railways Act, 1890, a notice stating that the cotton has been so returned and requiring the consignor to pay any rate, terminal or other charges due in respect of the carriage of the cotton to and from the railway station to which it was consigned, and such charges shall be deemed to be due from the consignor for all the purposes of section 55 of that Act.

6. Any person who, in contravention of the provisions of this Act, or of any notification or rule made hereunder, takes delivery of any cotton from a notified station or imports, or attempts to import, any cotton into a protected area, and any station master or other railway servant who, in contravention of the provisions of sub-section (1) of section 5, without reasonable excuse, the burden of proving which shall lie upon him, delivers any cotton to a consignee or other person, shall be liable to a fine not exceeding one thousand rupees, and upon any subsequent conviction to imprisonment which may

extend to three months, or to fine which may extend to five thousand rupees, or to both.

7. (1) The Local Government may make rules to provide for any of the following matters, namely :—

- (a) the prevention of the import of cotton into a protected area by road, river or sea save under, and in accordance with the conditions of, a licence ;
- (b) the terms and conditions to be contained in licences and the authorities by which they may be granted ; and
- (c) the manner in which licences and certified copies thereof shall be dealt with on and after the delivery of the cotton to which they relate.

(2) Any such rules may provide that any contravention thereof or of the conditions of any licence, not otherwise made punishable by this Act, shall be punishable with fine which may extend to five hundred rupees.

8. No notification under section 3 or rule under section 7 shall be made by

Previous approval of Local Legislature to issue of notifications and rules.

and rules. draft before the Legislative Council of the Province, and has been approved by a resolution of the Legislative Council, either with or without modification or addition, but upon such approval being given the notification or rule, as the case may be, may be issued in the form in which it has been so approved.

9. No suit or other legal proceeding shall be instituted against any person in respect of anything

Protection for acts done under Act. which is in good faith done or intended to be done under this Act.

STATEMENT OF OBJECTS AND REASONS.

The Indian Cotton Committee, which was appointed in 1917, brought to notice—

- (1) that the practice of adulterating long staple cotton with short staple was very prevalent at the gins and press-houses in certain long staple areas, the object being to secure for the mixture the higher prices offered for long staple;
- (2) that, owing to the consequent mixture of seed, there was considerable deterioration in the cultivation of many of the superior varieties of cotton;
- (3) that soft cotton waste was also used for the purpose of adulteration with "kapas" (the natural floss); and
- (4) that short staple cotton was frequently railed to a long staple area and re-booked thence, even without mixing, as long staple cotton.

2. As instances of (1) and (2), the Committee quoted the imports of short staple cotton into the Broach tract, the result of which has been that Broach cotton has largely lost its former reputation. Other superior varieties of cotton are threatened with the same fate. The practice described under (4) above is facilitated by the trade custom whereby cotton is bought and sold on the name and reputation of the area where it purports to have been grown; i.e., on the name of the railway station from which the bales are last booked.

3. These malpractices are exercising so serious and dangerous an influence on the industry as a whole, that the necessity of taking Governmental action has become a matter of immediate importance. The Bill provides a remedy by enabling Local Governments to prevent inferior cotton or cotton-waste, as defined, from being imported, except under licence, into areas which it is desired to protect.

The principal provisions of the Bill are as follows :—

- (1) Local Governments are empowered, with the previous consent of the Provincial Legislature, to define the areas and to notify the stations which should be regarded as protected. Consignments of cotton are not allowed to any such notified station except from other notified stations in the same area.
- (2) It is necessary to make certain exceptions to the prohibition in favour, for instance, of mill-owners within the area requiring extraneous cotton and of purchasers of cotton waste for industrial purposes. Local Governments are accordingly empowered to frame rules for a licensing system and to appoint the authorities for the issue of licences.
- (3) Station masters or other railway servants responsible for the delivery of goods or parcels are prohibited under penalties from delivering cotton improperly consigned to their stations.

DELHI :

The 6th March, 1922.

C. A. INNES.

H. MONCRIEFF SMITH,
Secretary to the Government of India.

